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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,508	11/14/2003	Wen-Jian Lin	2519-0199PUS1	9945
2292	7590	09/07/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			MCPHERSON, JOHN A	
			ART UNIT	PAPER NUMBER
			1756	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/713,508	LIN, WEN-JIAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	John A. McPherson	1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 14 November 2003.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 1-10, 12-14 and 16-19 is/are allowed.
- 6)  Claim(s) 15 is/are rejected.
- 7)  Claim(s) 11 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 14 November 2003 is/are: a)  accepted or b)  objected to by the Examiner.
  - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All    b)  Some \*    c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/04, 6/04.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The foreign patent document 092109265 listed in the Information Disclosure Statement filed 1/20/04 has not been considered because this is a reference to Applicant's foreign priority document.

### ***Claim Objections***

2. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form.

Claim 11 presents the limitation "wherein a material for forming the posts is selected from a group consisting of photosensitive materials, non-photosensitive materials and a combination thereof". However, this statement does not appear to further limit the composition of the posts in any way, because it includes all possible materials within its scope (i.e. all material that are not photosensitive are "non-photosensitive", so together these terms describe all possible materials).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "the post" in line 8. There is insufficient antecedent basis for this limitation in the claim.

#### ***Pertinent Prior Art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2004/0209192 discloses a method of fabricating an interference display unit comprising the steps of forming a first plate and a sacrificial layer on a substrate; forming at least two openings in the first plate and the sacrificial layer; spin-coating a photoresist on the sacrificial layer; patterning the photoresist layer to define a support with an arm; forming a second plate; releasing the arm's stress through a thermal process; and removing the sacrificial layer.

US 2004/0218251 discloses a method of making an optical interference pixel display comprising the steps of providing a bottom metal reflector layer on silicon substrate; depositing and patterning a filler material; providing a flexure layer and a top metal reflector layer on the filler material; providing an oxide pixel plate layer on the flexure layer and the top metal reflector layer; depositing and patterning additional filler material on the oxide pixel plate layer; depositing an oxide layer on the filler material; defining a via hole through the filler material; removing the filler material to define a

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resonant optical cavity and an air cavity; providing a protective layer over the oxide layer; and providing an antireflective coating over the protective layer.

***Allowable Subject Matter***

5. Claims 1-8 are allowed because in a method for manufacturing an optical interference display unit as set forth in claim 1 of the present invention, the prior art does not teach or suggest the steps of forming at least one second photosensitive material layer on the sacrificial layer and the at least one first supporting layer, and patterning the at least one second photosensitive material layer to form a second supporting on the at least on first supporting layer, wherein the at least on first supporting layer and the second supporting layer form an arm.

Claims 9, 10, 12-14 and 16-19 are allowed because in a method for manufacturing a matrix color optical interference display unit as set forth in claim 9 of the present invention, the prior art does not teach or suggest the steps of forming the second supporting layer and the third supporting layer as set forth in lines 10-17.

6. Claim 15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

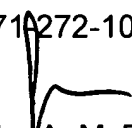
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. McPherson whose telephone number is (571)

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272-1386. The examiner can normally be reached on Monday through Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John A. McPherson  
Primary Examiner  
Art Unit 1756

JAM  
9/1/06